

IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 2/14/2018

BOARD MEMBERS PRESENT: Jay T Hill - Chair
Ben Estes
Larry L Simms

BOARD MEMBERS ABSENT: Thomas E Coates
Richard B Davies

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Maurie Ellsworth, General Counsel
Mary Miles, Technical Records Specialist II

The meeting was called to order at 9:00 AM MST by Jay T Hill.

APPROVAL OF MINUTES

Mr. Simms made a motion to approve the minutes of 12/6/2017. It was seconded by Mr. Estes. Motion carried.

Mr. Estes made a motion to approve the minutes of 1/10/2017 with the changes as noted; the specific pending reasons for an application, the vote including the nays, and changes to the Executive Order discussion. It was seconded by Mr. Simms. Motion carried.

LEGISLATIVE REPORT

Ms. Cory informed the Board that Sens. Burgoyne and Den Hartog mentioned to some members of the Boards served by the Bureau that they were looking at potential legislation. The concept would be to allow a person or entity that is alleged to have violated the Board's laws and rules to recover attorney's fees if the person or entity was found to have not violated the Board's laws and rules. At the time it was mentioned, a bill had not been drafted. The Board agreed that Mr. Simms would be the Bureau's contact to assist with this and other legislative issues.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$150,266.60 as of 1/31/2018.

INTERIM COMMITTEE UPDATE

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of hearing officers and is also looking at the Idaho Administrative Procedure Act. Draft legislation was presented at the Interim Committee's last meeting that would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The Bureau submitted a letter to the Committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board.

TO DO LIST

The Board reviewed the To Do List and no action was taken.

EXECUTIVE ORDER

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data in sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

THE NEXT MEETING was scheduled for 3/14/2018 at 9 AM.

- 5/1/2018 at 9:00 AM
- 6/13/2018 at 9:00 AM

EXECUTIVE SESSION

Mr. Simms made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Estes. The vote was: Mr. Simms, aye; Mr. Estes, aye; and Mr. Hill, aye. Motion carried.

Mr. Simms made a motion to come out of executive session. It was seconded by Mr. Estes. The vote was: Mr. Simms, aye; Mr. Estes, aye; and Mr. Hill, aye. Motion carried.

APPLICATIONS

Mr. Simms made a motion to approve Kevin C. Preston, PGDIT-1321, for licensure. It was seconded by Mr. Estes. Motion carried.

Mr. Simms made a motion to approve 901156421 pending an inspection and to authorize the Board Chair to review for approval. The vote was: Mr. Simms, aye; Mr. Estes, nay; and Mr. Hill, aye. The motion died for lack of a second.

EXECUTIVE SESSION

Mr. Estes made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Simms. The vote was: Mr. Simms, aye; Mr. Estes, aye; and Mr. Hill, aye. Motion carried.

Mr. Simms made a motion to come out of executive session. It was seconded by Mr. Estes. The vote was: Mr. Simms, aye; Mr. Estes, aye; and Mr. Hill, aye. Motion carried.

Mr. Simms made a motion to approve 901156421 pending an inspection to determine where the emergency shut off switch is located and to authorize the Board Chair to review for approval. It was seconded by Mr. Estes. Motion carried.

ADJOURNMENT

Mr. Estes made a motion to adjourn the meeting at 10:00 AM. It was seconded by Mr. Simms. Motion carried.

Jay T Hill, Chair

Thomas E Coates

Richard B Davies

Ben Estes

Larry L Simms

Tana Cory, Bureau Chief